

26116. Adulteration of acetanilid, caffeine alkaloid, and soda bicarbonate capsules. U. S. v. Homer A. Hall. Plea of guilty. Fine, \$25. Execution of sentence suspended. (F. & D. no. 28115. I. S. no. 42648.)

This case involved drug capsules that differed from the standard of strength and purity under which they were sold.

On October 21, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against Homer A. Hall, trading as Hall's Pharmacy, Washington, D. C., alleging that on or about November 2, 1931, the defendant sold in the District of Columbia a quantity of acetanilid, caffeine alkaloid, and soda bicarbonate capsules which were adulterated.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the article was represented to consist of 12 capsules composed in part of 6 grains of caffeine alkaloid; whereas the said capsules were composed in part of more than 6 grains of caffeine alkaloid.

On November 6, 1935, the defendant entered a plea of guilty, and the court imposed a fine of \$25 but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26117. Misbranding of Bartel's Canary Wash. U. S. v. The Shellgram Co. Plea of guilty. Fine, \$30. (F. & D. no. 32915. Sample no. 67281-A.)

This case involved a product the labeling of which bore false and fraudulent curative and therapeutic claims.

On September 7, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shellgram Co., a corporation of Newark, N. J., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about November 14, 1933, from the State of New Jersey into the State of New York of a quantity of Bartel's Canary Wash that was misbranded.

Analysis showed that the article consisted of oxyquinoline sulphate, glycerin, water, and small amounts of pink coloring matter and perfume.

The article was alleged to be misbranded in that the following statements borne on the label regarding its curative or therapeutic effects were false and fraudulent: (Bottle) "To allay itching and pulling of feathers * * * For skin diseases on dogs * * * For cuts, scratches and old sores * * * Use this wash on birds, fowl, animals wherever the skin is sore or broken"; (carton) "This wash is to be applied wherever the skin is broken or sore as a prevention against infection. Apply it to sores liberally * * * It should be used immediately for sores of all kinds."

The information further charged that the article was misbranded in violation of the Insecticide Act of 1910, reported in notices of judgment published under that act.

On October 11, 1934, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$30 for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26118. Misbranding of Dia-Bet. U. S. v. Dia-Bet Laboratories Corporation, and George M. Wolpe and Samuel R. Turner. Pleas of guilty. Fine, \$200 each as to the Dia-Bet Laboratories and Samuel R. Turner. Sentence deferred as to George M. Wolpe. (F. & D. no. 34037. Sample no. 19760-B.)

This case involved an interstate shipment of Dia-Bet, the package label of which and an accompanying circular bore and contained false and fraudulent statements regarding the curative or therapeutic effect of the article when used as a treatment for diabetes.

On September 21, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Dia-Bet Laboratories Corporation, and George M. Wolpe and Samuel R. Turner, Detroit, Mich., charging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about September 25, 1934, from the State of Michigan into the State of Ohio of a quantity of an article labeled "Dia-Bet", that was misbranded.

Analysis showed that the article consisted essentially of water with small amounts of sodium benzoate and plant extractives.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effect, borne on the label of the packages and contained

in a circular enclosed in the packages, falsely and fraudulently represented that the article would be effective as a treatment for diabetes, would be effective when used in the place of insulin as a treatment for diabetes, and when used in connection with the diet recommended would be effective as a treatment for diabetes.

On April 25, 1936, the defendants, the Dia-Bet Laboratories Corporation, Samuel R. Turner, and George M. Wolpe, entered pleas of guilty, and the court imposed a fine of \$200 each on the Dia-Bet Laboratories Corporation and Samuel R. Turner, and deferred sentence as to George M. Wolpe.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26119. Misbranding of Eucaline (Regular), Eucaline Tonic Compound (Tasteless), and Admirine. U. S. v. 16 Dozen Bottles of Eucaline (Regular), 15¾ Dozen Bottles of Eucaline Tonic Compound (Tasteless), and 8 Dozen Bottles of Admirine. U. S. v. 430 Bottles of Admirine. Default decrees of condemnation and destruction. (F. & D. nos. 23999, 24000, 31616. I. S. nos. 015034, 015085, 015086. Sample no. 46407-A.)

These cases involved interstate shipments of articles described as Eucaline (Regular), Eucaline Tonic Compound (Tasteless), and Admirine. The article described as Eucaline Tonic Compound (Tasteless) contained acetanilid in a quantity less than that stated on the label, and the label bore a deceptive and misleading representation that the article was free from dangerous medicine. The labels and packages of all three of the articles bore and contained false and fraudulent representations regarding their curative or therapeutic effects.

The United States attorney for the Western District of Arkansas filed in the district court on September 12, 1929, a libel praying seizure and condemnation of 16 dozen bottles of an article labeled "Eucaline (Regular)", 15¾ dozen bottles of an article labeled "Eucaline Tonic Compound (Tasteless)", and 8 dozen bottles of an article labeled "Admirine" at Texarkana, Ark., and on November 5, 1933, a libel praying seizure and condemnation of 430 bottles of Admirine at Texarkana, Ark. It was alleged in the libel first referred to that the articles therein described had been shipped in interstate commerce on or about June 6 and July 31, 1929, and in the second libel, that the article therein described had been shipped in interstate commerce on or about February 16, April 3, June 27, and August 26, 1933, by the Eucaline Medicine Co., from Dallas, Tex., and that the articles were misbranded in violation of the Food and Drugs Act.

Analyses showed that the Eucaline Regular consisted essentially of quinidine and cinchonidine alkaloids (4.58 grains per fluid ounce), iron chloride, an extract of a laxative plant drug, eucalyptus oil, a small proportion of alcohol, sugars, and water; that the Eucaline Tonic Compound (Tasteless) consisted essentially of acetanilid (2.04 grains per fluid ounce), an extract of a laxative plant drug, eucalyptus and peppermint oils, and a small proportion of alcohol, sugar, and water, with quinidine and cinchonidine alkaloids (6.04 grains per fluid ounce); that one shipment of the Admirine consisted essentially of quinidine and cinchonidine alkaloids (4.17 grains per fluid ounce) an iron salt, a laxative plant drug, capsicum, eucalyptus oil, sugars, a trace of alcohol, and water; and that the remaining shipment of Admirine contained magnesium sulphate (8.4 grams per 100 milliliters), potassium iodide (0.5 gram per 100 milliliters), small proportions of sodium, iron, chlorine, and phosphorus compounds, an extract from a plant drug, and water.

The article labeled "Eucaline Tonic Compound (Tasteless)" was alleged to be adulterated in that it was sold under the standard of strength, "Acetanilid 3 grains to each fluid ounce"; whereas its strength fell below such professed standard. Said article was alleged to be misbranded in that the statement "Acetanilid 3 grains to each fluid ounce", borne on the carton and bottle label, was false and misleading. Said article was alleged to be misbranded further in that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained therein. Said article was alleged to be misbranded further in that certain statements regarding the curative or therapeutic effects of the article, borne on the carton and bottle label and contained in an accompanying circular, falsely and fraudulently represented that the article would be effective as a remedy for malaria, chills, fever, and la grippe.

The article labeled "Eucaline (Regular)" was alleged to be misbranded further in that statements regarding the curative or therapeutic effects of the article, borne on the carton and bottle labels and contained in an accompanying circular, falsely and fraudulently represented that the article would be effective as a remedy for malaria, chills, fever, la grippe, and enlarged spleen.